



MITCHELL SILBERBERG & KNUPP LLP  
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Eleanor M. Lackman  
Partner  
(212) 878-4890 Phone  
(917) 546-7675 Fax  
eml@msk.com

July 5, 2022

VIA ECF

The Honorable Gregory H. Woods  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2260  
New York, NY 10007

**Re: McGucken v. Shutterstock, Inc. et al., Case No. 1:22-cv-00905-GHW**

Dear Judge Woods:

Our firm represents defendant Shutterstock, Inc. (“Shutterstock”) in the above-referenced action, and we write regarding the conference scheduled regarding plaintiff Elliot McGucken’s (“Plaintiff”) request for a 60-day adjournment of the deadlines. The time that the Court has set happens to fall 40 minutes prior to the undersigned’s departure from a brief visit with family in south Florida. Lead counsel is available generally the remainder of this week and from July 12 onward. While not contemplated by the Court’s rules on extensions, Shutterstock will supply a response to the letter if doing so might be of assistance to the Court in the interim.

Shutterstock also respectfully asks for the Court’s guidance on scheduling matters affected by Plaintiff’s request. As noted in Plaintiff’s submission, Shutterstock requested additional information pertaining to Plaintiff’s Friday afternoon request, including for the purpose of understanding why a COVID-related illness merited an extension that was so long. Counsel needed to understand the matter fully given the pendency of interim deadlines, not to mention further detail so that counsel could be sufficiently able to discuss with the client an enlargement of the fact discovery period by 50%. Plaintiff has declined to respond cooperatively. Its “response” was filing a lengthy submission to the Court, along with a new proposed scheduling order that we had neither seen nor discussed, on Friday night. However, as of last week, with no awareness of any issue pertaining to information that Plaintiff has had since June 7 or any other issue, the parties had been discussing specific details of scheduling of depositions for next week and the following; Plaintiff also served an additional set of document requests on Friday afternoon. Moreover, interim deadlines fall tomorrow. Given Plaintiff’s gamesmanship, Shutterstock is at a loss on how to proceed. Accordingly, Shutterstock respectfully requests that the Court either find that Shutterstock is not in violation of any deadlines that may occur between now and the hearing, and that it be given sufficient time to reschedule the depositions once it has an understanding of any new schedule in this case.

We thank the Court for its time and consideration of this matter.



---

The Honorable Gregory H. Woods  
July 5, 2022  
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "EML", with a large, stylized flourish extending to the right.

Eleanor M. Lackman

EML/kld